

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE LOCAL 138 PENSION FUND,

Plaintiffs,

- against -

TAX TRUCKING CO., 1341 GARRISON REALTY
CORP.,

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge.

ORDER ADOPTING
REPORT AND RECOMMENDATION
09-CV-3041 (RRM) (RML)

Trustees of the Local 138 Pension Fund (“Trustees”) moved for default judgment against defendant 1341 Garrison Realty Corp. (“Garrison”). This Court referred that motion to Magistrate Judge Robert M. Levy for a Report and Recommendation. Judge Levy issued a Report and Recommendation (the “R&R”) recommending that plaintiffs’ motion for default judgment be granted, and awarding certain damages. (Doc. No. 61.) Judge Levy reminded the parties that, pursuant to Federal Rule of Civil Procedure 72, any objection to the R&R must be filed within fourteen (14) days. More than fourteen days has passed and no party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

Accordingly, it is hereby ORDERED that plaintiffs’ motion for default judgment against defendant Garrison is granted and plaintiffs are awarded \$1,034,273.58, consisting of: (1) \$640,000 in unpaid withdrawal liability; (2) \$192,000 in interest on the unpaid amount calculated at the rate of six percent (6%) simple interest per year for the five years (2009–2014); (3) \$192,000 in liquidated damages; (4) \$9,843.75 in attorney’s fees; and (5) \$429.83 in costs.

The Clerk of Court is directed to enter judgment pursuant to this Order, send a copy of this Order and the accompanying judgment to Garrison, and note the mailing on the docket.

SO ORDERED.

Dated: Brooklyn, New York
June 23, 2017

s/Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge